



## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

#### **50 CFR Part 17**

**[Docket No. FWS–R8–ES–2010–0049]**

**[4500030113]**

**RIN 1018–AX89**

### **Endangered and Threatened Wildlife and Plants; 12-Month Petition Finding and Proposed Listing of *Arctostaphylos franciscana* as Endangered**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period on our September 8, 2011, combined 12-month petition finding and proposed rule to list *Arctostaphylos franciscana* (Franciscan manzanita) as

endangered and designate critical habitat under the Endangered species Act of 1973, as amended (Act). In the proposed rule, we found that critical habitat was not determinable at the time because we did not have sufficient information on what physical and biological features would be essential to the conservation of the species, or what other areas outside the known occupied site may be essential for the conservation of the species. The Service seeks data and comments from the public on this proposed listing rule and whether the designation of critical habitat for the species is prudent and determinable. We are reopening the comment period to allow all interested parties an additional opportunity to comment on the proposed rule and to submit information on the status of the species. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final rule.

**DATES:** We will accept comments received or postmarked on or before **[INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date.

**ADDRESSES:** *Document availability:* You may obtain copies of the proposed rule on the Internet at <http://www.regulations.gov> at Docket Number FWS–R8–ES–2010–0049, or by mail from the Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

*Comment submission:* You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal:

<http://www.regulations.gov>. In the Search box, enter FWS–R8–ES–2010–0049, which is the docket number for this rulemaking. Then, on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document and submit a comment.

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R8–ES–2010–0049; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We request that you send comments only by the methods described above. We will post all information received on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the **Public Comments** section below for more information).

**FOR FURTHER INFORMATION CONTACT:** Karen Leyse, Listing Coordinator, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W–2605, Sacramento, CA 95825; by telephone at 916–414–6600; or by facsimile at 916–414–6712. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

## **SUPPLEMENTARY INFORMATION:**

### **Background**

On September 8, 2011 (76 FR 55623), we published in the **Federal Register** a combined 12-month finding and proposed rule to list *Arctostaphylos franciscana* as endangered. That proposal had a 60-day comment period, ending November 7, 2011. We received no requests for a public hearing; therefore, no public hearing will be held.

### **Public Comments**

We will accept written comments and information during this reopened comment period on our proposed listing for *Arctostaphylos franciscana* that published in the **Federal Register** on September 8, 2011 (76 FR 55623). We will consider information and recommendations from all interested parties. We intend that any final action resulting from this proposal be as accurate as possible and based on the best available scientific and commercial data. For more information on the specific information we are seeking, please see the September 8, 2011, proposed listing rule (76 FR 55623).

If you previously submitted comments or information on the proposed rule, please do not resubmit them. We have incorporated them into the public record, and we will fully consider them in the preparation of our final determination. Our final determination

concerning this proposed listing and critical habitat will take into consideration all written comments and any additional information we receive.

You may submit your comments and materials concerning the proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit a comment via <http://www.regulations.gov>, your entire comment—including any personal identifying information—will be posted on the website. We will post all hardcopy comments on <http://www.regulations.gov> as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on <http://www.regulations.gov> at Docket No. FWS-R8-ES-2010-0049, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the proposed rule on the Internet at <http://www.regulations.gov> at Docket No. FWS-R8-ES-2010-0049, or by mail from the Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

**Authority**

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: 23 May 2012

Gregory E. Siekaniec

*Deputy Director, U.S. Fish and Wildlife Service*

~~**[Endangered and Threatened Wildlife and Plants; 12-Month Petition Finding and Proposed Listing of *Arctostaphylos franciscana* as Endangered]**~~

Billing Code 4310-55

[FR Doc. 2012-13487 Filed 06/04/2012 at 8:45 am; Publication Date: 06/05/2012]